

Quid Novi

VOL. VII NO.17

MCGILL UNIVERSITY FACULTY OF LAW
UNIVERSITE MCGILL FACULTE DE DROIT

February 18, 1987
Le 18 février 1987

Drug Dumping and International Law

by Terry Pether

Last Wednesday, at the invitation of the International Law Society, Jason Mogg (LL.B. III) presented a seminar on Drug Dumping and the Canadian Food and Drugs Act. Drug dumping occurs where domestic pharmaceuticals manufacturers dump drugs which they are forbidden to sell in Canada into foreign markets. Most of these foreign markets are third world countries. Many of them accept the drugs as part of their social programs. Some international relief agencies buy the drugs for similar reasons. And where the demand does not already exist, drug companies will spend huge amounts of money to create it. After all, the research and development behind any new drug costs companies dearly, and they have to recoup their losses from elsewhere when dangerous side effects render their products contraband at home.

Quote of the Week

Prof. Bridge commenting on Parsons v. Uttley Ingham:

"What are the pigs other than walking dollar bills?"

Canada's Food and Drugs Act regulates the sale of drugs in this country. The standards it sets, however, do not apply to drugs bound for foreign countries. Indeed, drugs stamped for "export" and accompanied by a statement that the exporter is not aware of any law such export would be violating are expressly excepted from the regulations. Mogg argued that this state of Canadian law is inconsistent with international law.

Canada itself prevents the import of foreign-banned drugs. But many developing nations cannot keep a regulatory pace with complicated and technical advances in pharmacology and are thus susceptible to the manipulative claims of the drug companies. For this reason, said Mogg, Canada should honour the various UN-made international laws to which it is a signatory so that other countries, ill-equipped to handle the regulatory burden, need not suffer the shortcomings of our own Food and Drugs Act.

The International Covenant on Civil and Political Rights, in effect, places a priority on public health over democratic rights, rights that are useless to those in poor health.

Furthermore, one provision says that no one shall be subject to medical or scientific experimentation without his/her consent. Mogg pointed out that consent is likely to be uninformed in any event. And drug dumping is, he said, sometimes done deliberately for experimental purposes. In such cases, the UN provision should, therefore, apply.

The International Covenant on Political, Social and Cultural Rights proposes international economic and technical cooperation geared to maximize all available resources so that the global community can share in scientific progress. Furthermore, signatories to the covenant recognize the right of everyone to the highest attainable standards of physical and mental health. Moog argued that Canada has valuable informational resources that it does not bother to share because the Food and Drugs Act limits the application of its standards to Canadians. And the argument that the highest attainable standards vary by country, for example where side effects of birth control drugs are tolerated because the need for population control is pressing, did not compel Mogg. He indicated that the Covenant itself

Cont'd on p.4

NEW ORLEANS

MAY 25 1987

ANNOUNCEMENTS

LSA Bookstore

THURSDAY, 19 February 1987, will be the last opportunity to buy the following books at the L.S.A. Bookstore (they will be returned to their publishers after that date):

Pineau & Burman - Les effets du mariage et des régimes matrimoniaux

Judico - Codes civils 1986-87

Wilson & Lafleur - Code de procédure civil

Alter Ego companion to the CCP.

Coffeehouse

Everyone is invited to the Common Room on the evening of Thursday, February 19 to relax in the candle-lit atmosphere of an LSR Coffeehouse. Law faculty musicians will provide live entertainment. Homebaked delicacies will be served along with beer, wine, coffee and non-alcoholic beverages. Join the fun, 7 p.m. to midnight.

Scholarships for Graduate Study

Delta Upsilon Memorial Scholarship

Average value \$5,000 (minimum). Founded by the McGill Chapter of the Delta Upsilon Fraternity in memory of its members, who gave their lives in the Boer War, the Great War of 1914-18, and the Second World War of 1939-45.

John Williamson Frederick Peacock Memorial Scholarship

Average value \$3,000 (minimum). Established in memory of Flight Lieutenant John Williamson Frederick Peacock, a member of the Delta Upsilon Fraternity who was killed in action over Normandy in 1944.

The conditions of the above two scholarships are identical in all respects. These scholarships are open to students who have obtained an undergraduate degree from McGill in any faculty and are tenable for graduate study in any recognized university. Application forms are available from the Secretary, Selection Committee, Room 912, McIntyre Medical Sciences Bldg., 3655 Drummond St., Montreal, Que., H3G 1Y6 (Tel. 392-3014), not later than APRIL 1.

Speakers Corner

On February 18 (TODAY!) in the Moot Court, 12 noon - 2 p.m. LSR PRESENTS:

1. Sam Boskey, city councillor - M.C.M.
2. Danielle Dionne, Comité Consultation Montreal/ ZLAN (Zone Libre d'Armes Nucléaires).
3. Guy Coté, Member of

"L'Entraide Missionnaire" and Comité Consultation Mtl/ZLAN.

Featured in a Panel Discussion on the recent M.C.M. Resolution to declare Montreal a Nuclear Free Zone and the implications for the future. The "ZLAN" representations will feature a discussion of nuclear free zones in other countries.

QUESTION PERIOD AND REFRESHMENTS TO FOLLOW.

ALL WELCOME!

The Duff-Rinfret Scholarship for Master's Studies in Law

Are you thinking of undertaking graduate studies in a Canadian law school? The Department of Justice of Canada is offering a scholarship to encourage law graduates to continue their studies in areas relevant to federal jurisdiction and to comparative law. Established to celebrate the 100th anniversary of the founding of the Supreme Court of Canada, the scholarship honours two former Chief Justices of the Supreme Court, the Right Honourable Sir Lyman Poore Duff and the Right Honourable Thibault Rinfret. The deadline for receipt of completed application forms and the supporting documentation for this year's competition (1987-88) is March 6, 1987. Application forms will be available shortly.

Cont'd on p.4

EDITORIAL

For those of you on the ball, you may have noticed that last week's editorial was lacking a little something. The concluding paragraphs were omitted due to a technical error. We apologize for the error and hope you will bear with us as we valiantly attempt to iron out the many glitches in our new production method.

A short while ago, CTV's W-5 aired a piece on Colorado's recently enacted so-called "make my day law". Essentially the law permits a homeowner to shoot anyone who has broken into his house where the homeowner fears that his life is in danger. Effectively, the law gives the burden of proving that no such danger existed to the district attorney before any charges can realistically be laid. Obviously, this burden is onerous where a shooting causes the death of an alleged intruder and only the gunman remains to describe the events.

Not surprisingly, the "make my day law" has had its victims. W-5 told a story from Denver involving a loud party and a neighbourhood grump. Angry that his party had been interrupted by the police, a young man stormed to the house of his ornery neighbour, who had phoned in the complaint, and began banging loudly on the door. Shortly after opening the door, the neighbour's wife screamed for the husband to get the gun (an automatic response?). Claiming that his wife was being throttled about the neck in the darkness, the man with the gun fired some shots on his well-lit street. The bullets hit the bodies of three people,

known to the gunman - the guy at the door and his wife and friend who had arrived to urge him homeward. The wife died on the street. The man with the gun escaped prosecution. His day had been made.

W-5 interviewed some residents of this "quiet" suburban community of families. Among them, most believed that the killer should have been tried, but many of them still supported the new law. Indeed, guns are as much a part of the neighbourhood's homes as toasters and televisions even though Denver is not in the grip of any crime wave and ranks well below the national average compared to cities with high violent crime rates. No matter. The United States is a revolver culture. Nowhere in the entire world does the number of deaths from handguns even begin to approach that achieved in the U.S.A. I hope that Canada, as her closest neighbour, is not too close for comfort.

In Canada, a Gallup poll conducted in early January found that 68% of the respondents felt that vigilantism is sometimes justified because of the circumstances. The poll followed five incidents in which Canadian storeowners shot at intruders or robbers:

- Nov. 8, Calgary, Alberta - a pharmacist shot in the back and killed an unarmed robber fleeing from his store. The pharmacist was charged with second-degree murder.

- Nov 18, Montreal - a dépanneur owner shot and killed a would-be robber pointing a pellet gun. No

charges were laid.

- Dec. 8, Laval - a pharmacy owner camping out in his store with his rifle shot and killed an intruder while police protection was parked on the street outside. No charges were laid.

- Dec 10, Beauharnois - a dépanneur owner shot and wounded an intruder, here too, in the back. No charges were laid.

- Dec. 18, Springfield, Ontario - a dairy store owner shot and wounded an intruder. He has been charged with possession of a dangerous weapon and careless use of a firearm.

With the exception of that involving the Montreal dépanneur owner (the only one to appear remorseful on the news), all of the shootings seem to be occasions of the protection of property, not protection of the person. Admittedly, it is easier for someone like me who has never been present during a holdup or a break-in to approach these incidents with deliberation. But when people are shot in the dark or in the back by angry businessmen fed up with being robbed, I can accord these successful and unsuccessful murderers no benefit of my doubts. They made lucid choices to take their chances on frontier justice. And they all have or likely will get off easy (where any jury is involved), perhaps to shoot again, surely to tell other storeowners that it's okay to smoke the scumbag who's after your money. Sadly, many Canadians, 68% of them, agree, at least regarding some

Cont'd on p.9

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montreal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

Editor-in-Chief Terry
Rédacteur-en-chef Pether

Associate Editor Normand
Rédacteur adjoint Perreault

Production Manager Joani
Directrice de gestion Tannenbaum

Staff/ Membres François Cossette
Andrew Orkin
Joseph Kary
Bettina Karpel
Teresa Scassa
Robert Tannenbaum
Jeanne Cadorette
Brad Condon

Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel, Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur ou son origine.

Announcements

Cont'd from p.2

Students interested in finding out more about this scholarship should contact me as soon as possible.

Daniel Jutras
3674 Peel Street
392-468

L.S.A. Election Information

All students please be advised of the following exciting election information.

Nominations will be accepted for the following positions:

1. President
2. Vice-President, Civil Law
3. Vice-President, Common Law
4. Vice-President, University Affairs
5. Secretary
6. Treasurer
7. Student Representative on Faculty Council (three undergraduate positions; one graduate position)
8. Social Coordinator
9. Class President, BCL II
10. Class President, LLB II
11. Class President, BCL III
12. Class President, LLB III
13. Class President, BCL/LLB IV

Relevant dates include:

- 1) Nominations commence Monday, March 2 (immediately following the Spring Break);
- 2) Nominations close Thursday, March 5
- 3) Campaigning begins Friday, March 6
- 4) Campaigning ends Wednesday, March 11
- 5) The candidates assembly - Wednesday, March 11
- 6) Election Day - Thursday, March 12

Nelson Eshleman
Chief Returning Officer

Shahir Guindi
Deputy Returning Officer

Skit Nite '87

If your great idea has yet to be introduced to paper, you'd better skip the formalities and scribble it down fast. The deadline for written scripts for the 1987 Saturday Night Law production is Friday, February 20th. Skits can be left in the LSA office or in the care of any of the Skits Committee people.

Volunteers are needed to help with the following: beer sales, t-shirt sales, ticket sales, set-up of the ballroom, clean-up, and stage work. Please leave names in the SKIT-NITE Box in the L.S.A. office. As well, we are seeking the services of persons who have experience working with video stuff with the aim of preserving this year's great show on tape. Please contact Kenneth Aboud, Kevin Kyle, or leave your name in the magic box.

N.B. Equity will not assist the volunteer!

Drug Dumping Cont'd from p.1

recognizes the rights of all members of the human family to equality.

U.N. Resolution 37/137 offers a solution to drug dumping by calling upon exporting nations to show legislation expressly permitting foreign consumption of domestically banned drugs before the drugs can be exported, thus shifting the regulatory burden away from the receiving countries. But

Cont'd on p.7

LETTERS TO THE EDITOR

From Dean Macdonald

There are a couple of issues which have come up in the last month or so where I believe some clarification is required. The first of these relates to the "lack of exciting events and visitors" which was lamented in a recent editorial. This is a matter of concern to me since I have been making grants to various student organizations, e.g. Forum National, L.S.R., Women and the Law, etc., in part to facilitate their bringing speakers and other visitors to the Faculty. To my knowledge these groups have been bringing and will continue to bring later this term visitors to the Faculty. Moreover, the Faculty also sponsors a visiting speakers programme which this year has brought to McGill Professor André Tunc of Paris, a delegation of Soviet lawyers, Professor Phillipe Remy of Poitiers, a delegation of Chinese lawyers, Professor Christian Louit of Aix-Marseilles, Professor Sheila McIntyre of Queen's University, Professor Paul Craig of Oxford University and will be bringing before the end of the year Professor Alan Hutchison of Osgoode Hall Law School and Professor Robert Scott of the University of Virginia Law Faculty. These visitors are, of course, in addition to those special invitees who participate in regular courses (of whom there have been six so far this year).

When the total number of visitors to the Faculty is tabulated - including such on-site visitors as Professor Maureen Irish of the University of Windsor who has been here all year, Professor Gérald Mémteau of the Faculty of Law

of the University of Poitiers and Dean Richard Stone of the University of Leicester - it is evident that there is at least one major visitor to the Faculty per week throughout the academic year. If it seems that there has been an absence of interesting visitors to the Faculty, this must be due to a lack of publicity for these visitors. For this reason, I will be meeting with the President of the L.S.A. in order to devise some strategy for publicizing these visits, perhaps making better use of the Quid itself.

The second issue which has recurred in the last few Quids relates to what has been characterized as "anxiety and law studies". Once again, I believe that the perception is quite different from the reality. If one were to take the student newspaper of any faculty of law in the North American continent, one would see that this theme recurs frequently. Anxiety seems to be endemic to law study. What is important, as I see it, is not whether, in fact, students can approach any of the Faculty, which I might add, judging by the line-ups outside professors' offices, they seem to have no

compunction doing, but rather the perception that professors are not available to assist students in non-academic matters. This is a matter of great concern to me.

However, the line between interest and paternalism is very easily blurred. I can remember not too long ago students telling me they were "insulted" because professors had asked them, after first term results came out, how things were

going. Indeed, a policy whereby the tutorial group leader was informed of students having academic difficulty was abandoned at the request of the students. Other initiatives have also been abandoned for the same reason. It is therefore crucial to strike the right balance. Because this is a question which I consider to be of major importance I will also be discussing with the president of the L.S.A. various initiatives which can be taken to meet the concerns expressed.

Finally, should any of the Quid's readers have suggestions as to mechanisms for better publicizing visitors to the Faculty and other special events or improving "student faculty relations" I should be most delighted to hear from them.

"Spies like us?"

As a fourth year student at McGill, I thought I could no longer be surprised by the quirks of my colleagues. Yet last Friday (Jan 30) revealed a new and disturbing insight.

As I was sitting in Professor Baker's Administrative Process class I heard him addressing the issue of students taping class lectures. As one of those students who taped this class (there are several), I was, of course, very interested. He basically stated that students who tape lectures should seek the instructor's permission before doing so, and that such consent depends on the balancing of academic freedom to speak one's views in class without fear of reprisal against the usefulness as a pedagogical

Cont'd on p.8

A Look Back at the '87 Law Games

by Arthur Wechsler

Approximately 1200 students from 15 different law faculties across this land gathered together for an absolutely fun filled weekend at the Université de Sherbrooke. Future "legalees" from Vancouver to Halifax were able to participate together in the Law School's version of a combination OLYMPICS-MARDI GRAS. The 1987 Canada Law Games could, in this student's opinion, only be described as a forum of intense athletic competition coupled with continuous drunken debauchery.

Students began to arrive in Sherbrooke on the eve of Wednesday, February 4th. They piled through the doors of three hotels, conveniently situated close to each other on the outskirts of town. It was clear as the rampage entered the hotels that for the next few days, thoughts of a law library, casebooks and incomprehensible Latin maxims would be the furthest from anyone's mind.

When I saw four rambunctious Queen's students drop their baggage in the hotel lobby so that each could carry up a case of beer (24 cool ones for those non-imbibers) under each arm, it scared me to ponder the thought that one of these guys could be sitting on the Bench of the Supreme Court in a few years.

At around 1:00 a.m. at the party in the hotel Le Baron on the first night, a cheer erupted from the corner of the ballroom. A crowd of intoxicated students began to chant to the University of

Windsor members "Last Chance U, Last Chance U." It was at this point that the rivalries between the universities commenced.

The McGill contingency, while relatively few in number, displayed admirable courage on the fields of sport. The Men's Ice Hockey team played spectacularly, winning all 3 games in their division. In the semi-finals McGill fans cheered vigorously as Gus Grant scored the winning goal in an exciting 3-2 victory over UBC. The team lost 5-1 in the finals to a strong Ottawa team but the McGill players went home feeling proud of their remarkable performance in the games.

The co-ed Volleyball team fielded a seemingly short but yet determined squad which also reached the semi-finals

before being, shall we say, slightly thrashed by an extremely powerful Windsor team who eventually went on to win the tournament. The men's Basketball team suffered a crushing blow when all-star centre and undercover editor of the M.L.J., Marc Lemieux, sprained his ankle going up for a rebound in the first minute of the first game. The team still managed to have a respectable 2-2 record. 1st year Common Law Student Jane Adolphe (yes, she is a female) displayed brilliant finesse and fine perimeter shooting as the team's point guard, much to the amazement of all her male counterparts on the other teams. It seems as though young Jane caught the attention of many males at the Games, both on and off the court.

Cont'd on p.9

Class Projects

On February 6, Oxford University Law Professor Paul Craig visited McGill's Faculty of Law to talk about "Pluralism and Process in Public Law". Extracting his presentation from a book he is currently working on, Professor Craig spent his time before the full classroom criticizing John Hart Ely's Democracy and Distrust. It was an interesting talk that invited other professors and students briefly into the sort of academic dialogue that goes on among legal scholars, on this occasion, regarding administrative law. A reception in the Common Room followed after Dean Macdonald declared at the close of the question period, "Well, I guess everybody's ready for the booze."

Professor Craig was the inaugural speaker for the Law '75 Project. This project consists of a trust fund established by graduates from the 1975 law class to bring illustrious speakers to the faculty. Dean Macdonald reports that there is also a Law '77 Project in the works. Their goal is to raise money to ameliorate the physical plant of Chancellor Day Hall such as by providing new furniture for the Pit. Now, there's a good idea.

Such projects as those recently undertaken allow law graduates to give something back to their alma mater which improves the law school experience for students who follow. And that's something for us to think about now for later on.

Potpourri

- A suit launched by American citizens living in Nicaragua against U.S. military aid to that country was dismissed by Federal Court Judge Charles Richay last week. The plaintiffs claimed their lives were threatened by the money supplied to contras, thus infringing on their right to be free from danger at the hands of their own government. In rejecting their plea, due to lack of jurisdiction in the area of foreign policy, Judge Richay sympathized with their plight while commenting that the voting booth, not the court, was the correct forum for this type of grievance.

- A U.S. Circuit Court Judge in Wisconsin has been ordering convicted prostitutes to undergo testing for AIDS as a condition of their probation. The unusual condition is a result of Judge Bruce Schroeder's concern that the women might spread the disease, and compared the tests to those given to suspected drunk drivers or drug users. So far, three women have undergone testing, all showing negative results. The ACLU has not yet decided whether or not to challenge the orders in court and dismissed Schroeder's parallel to drug tests and the like, which are linked to rehabilitation efforts.

- Meanwhile, American insurance companies operating in states that have banned AIDS testing of potential policyholders have devised a new tack. Insurance applications include questions such as: Is your occupation among the following:

Hairstylist
Antique shop owner
Waiter

Actor
Interior
Decorator, etc. ?

- Closer to home, Sessions Court Judge André Duranleau has upheld the legality of random police checks for drunk drivers. In his judgment, Duranleau held that "there was nothing illegal or abusive since it comes under the general powers of police under the common law." Counsel for Defendant had argued the checks violated Charter guarantees against unreasonable search and seizure and arbitrary detention (Sections 8 and 9). However, the Defendant was acquitted since it was found that his right to legal counsel (Section 10(b)) had been infringed upon because the police refused to allow a private consultation between counsel and client. A similar case, dealing with the spot check issue comes before the Supreme Court February 24th.

- Finally, Ernst Zundel may very well get his day before the Supreme Court. The Ontario Court of Appeal overturned a jury conviction finding Zundel guilty of publishing anti-Jewish literature and ordered a new trial on the grounds that the jury was misled about the correct law. Attorney General Ian Scott, in what Zundel labels a "political" decision, has

Drug Dumping Cont'd from p.4

U.N. resolutions are passed every day and are not legally binding. Still, Moog pointed out that this one passed with the support of 146 of the 147 member U.N. states. Only the United States voted against it. At least, therefore, its overwhelming consensus lends political weight to the resolution.

Canada, said Mogg, should not fail to act on a resolution it supports. Furthermore, there is some potential binding force to the resolution. Any resolution that can be characterized as a customary international law or principle is enforceable in the International Court at The Hague. But even if Canada chose to honor any International Court decision, domestic statutes take precedence over international law principles. It would thus lie with our courts to read the Food and Drugs Act in such a way that it would not conflict with international law. Mogg suggested that the exception allowing the export of banned drugs could be read to allow sanctions by international law, sanctions which are not expressly forbidden by the Act. In the meantime, Canada could honour its pledges to the international community, taking the lead to eliminate the irresponsible practice of drug dumping.

decided to appeal the ruling and the Supreme Court must decide whether or not to hear the case.

ELLEN ORNSTEIN

TEL: 485-1056

EXECUTYPE

Professional Typing Services
on a letter quality word processor

6713 Baily Rd., Montreal, Que. H4V 1A4

Letters to the Editor Cont'd from p.5

tool that a taped lecture can be. He also mentioned that most students who were then taping his lectures had not asked permission to do so.

I was one student who had not asked expressly for this permission, and I sincerely regret not doing so. I taped the lectures on the basis of my knowledge that Prof. Baker had allowed other students to tape his lectures in the past. I should not have relied on this assumption alone and regret doing so. Nonetheless, I do not make any apologies for my reasons for taping the lectures and my anger at the events that followed.

Prof. Baker later revealed that his concern stemmed largely from the expressed inhibitions felt by a very small number of the students with regard to speaking in a class which was being taped. They felt they could not speak freely, hence Prof. Baker asked that all subsequent taping not be allowed.

Those students, in effect, had a veto over those students who need the tapes for their personal pedagogical use.

These students, who are anonymous, are imposing their method of learning on other students who use other methods. Who is to say which method is better? We all know that we learn things differently.

Some students in this faculty attend classes and take notes. Others don't go to class but rely on the assigned materials; some brief all the readings assigned; others make summaries; some use summaries that past students from the course have made; and still others tape some lectures.

Again, who among us can say which is better? Can any of us impose one method of approaching the course on another student?

It seems that these students are the ones who are granting the consent that should be the professor's. If these students can veto us why can't we veto them? Don't we have the same right to learn the course as they do?

Students who object to the taping of lectures assert that their freedom to speak in class is inhibited. This is obviously predicated on the assumption that the tapes will be replayed in a non-pedagogical context. As for me, at least, I can assure them that their fears are unfounded. Furthermore, I sincerely believe that no student tapes for any reason other than to "re-run" the lecture at a more leisurely pace in the privacy of their own home. What other use can there be? Finally, with conflicting classes - classes that are obligatory or needed to graduate - tapes can be a lifesaver.

Copyright laws and their application were also mentioned with respect to the taping of lectures. I do not think that argument can be conclusive. Are we not using copyrighted materials in our casebooks? And anyone can buy a casebook at our Bookstore - indeed I have seen lawyers buying them. I agree they boldly state "for private student use". (Can the same argument not be made regarding tapes?)

I think it is the obligation of the professor in the absence of any faculty policy on the matter, to hold a vote amongst the students on the question of taping, if the professor personally agrees that his/her

lectures can be taped.

It is time for this faculty, indeed the university as a whole, to enact some kind of policy on the subject matter. Discretion has worked in the past but it is not working anymore.

If the professor is to decide, so be it; but that decision should be based on his personal reasons only. If students are to have an input, it is only fair that a vote be taken at the beginning of the semester in each class where the issue is raised.

This institution has obligations towards its students, and the students have reciprocal obligations. At the core of the obligation the issue of learning looms. But what about students who tape courses in a concealed fashion using mini-recorders which are so small that most people would not notice any microphone attached to a notebook. If taping is forbidden, how will it be policed? Will everyone be checked for this type of recorder? In Prof. Baker's case, the result is unjust - his rule is only enforceable against those who are honest enough to tape openly.

This letter is written as a form of protest against what occurred in Administrative Process class. Copies have been sent to various persons with the hope that the faculty, indeed the university, can come to some sort of agreement with those students who wish to tape lectures. I sincerely hope that a similar incident can be avoided in the future.

Alida Guatieri
LL.B IV

Cont'd on p.10

Editorial Cont'd from p.3

circumstances. The poll does not make clear what these circumstances are.

Unlike the United States, Canada has no provision in the Charter which says, as the 2nd Amendment in the American Bill of Rights does, that no law shall be made that infringes on the right of every citizen to bear arms. The 2nd Amendment, originally included to allow for a militia in times of need, has provided the *raison d'être* for lobby groups such as the extremely powerful National Rifle Association. There is no section 1 in the American Bill of Rights and the N.R.A. has effectively thwarted most legislative attempts at gun control laws by reminding Americans of their right to own guns. As a result, handguns, the Saturday night special, designed solely for firing at people, are as American as apple pie.

Here in Canada, we do not have the constitutional framework that is in part responsible for spawning the United States' massive crime rate, perpetuated from criminal to victim, thence from victim to criminal-come-victim in a bloody cycle of killing. Ours is not a trigger-happy culture. Why then this recent spate of vigilantism? And why do Canadians support it?

Despite what some people may believe, crime is not on the rise in Canada. Still, we cannot underestimate (or overestimate) the influence of the barrage of American culture flooding Canadian news and international markets which portrays society in the 1980s as out of control and desperately in need of heroes who reflect

Law Games Cont'd from p.6

The Indoor Hockey team, captained by a tiny yet feisty Tom Friedland, failed to lose a game but was still 1 point shy of qualifying for the play-offs. Big Todd Robinson was an intimidating force to be reckoned with, while Dave Lametti played fiercely in the goal as the entire team put forth a valiant effort.

In the individual competition, Jill Samis swept through the Women's Squash tournament and brought home the gold for McGill, while Brian MacFarlane made it to the semi-finals on the Men's draw. Kerry Buck placed an extremely respectable 3rd place in the Women's Slalom competition in battling against a field of 40 other entrants.

While many McGill students displayed tremendous athletic prowess, honourable mention has to go to Gus Grant whose unyielding efforts and undaunting perseverance were always present in the events in which he participated.

On the social scene, Kenny "Lebanese Lips" Aboud, Howard "I left my heart and my pants in Sherbrooke" Greenspoon, and Dimitri "I'm an Italian Gigolo" Mastrocola,

and foster reverence for the resolute power of the bullet. For Canada, I am, nevertheless, confident that the events of recent months are merely flirtations with frontier justice that will ultimately repulse Canadians. In the meantime, no special treatment should be accorded those who shamelessly take the law into their own hands. As for the United States, I will never, ever understand why Americans think like they do.

all left everlasting impressions, some favourable, some not so favourable, on a variety of women at the Games. None of these McGill men were heard to have claimed that they spent any two soirées in the same bed.

Jean Lortie and Robert Joseph were at the Games for three days, but for some unknown reason were only accountable for two of those days. Sources said they lost consciousness after the party on the 2nd night but regained it immediately prior to the party on the next night. Michael Magonet, a petite 2nd year student, was totally uninterested in the athletic competition but made his presence known by epitomizing a "rampant hooligan" during his stay in Sherbrooke. Randall "Fatty" Hofley continuously added to his 210 lb. frame by consuming a variety of alcoholic beverages from Quebec beer to Manitoban Caribou cider.

The party at Mont Orford was enjoyable as was the party Friday night in the cafeteria of the Law Faculty of the University. Entertainment was provided by a live band as well as by Robbie Goldstein who won the "Uncontrollable Wild Banshee" dance marathon. Many McGill students also had the unique opportunity of dining in Sherbrooke's finest Chinese food restaurant "Sum Long Shlong" where the house specialty was chopped up weiners."

While the average student received approximately 2 1/2 hours of shut-eye per night, the spirit still soared and the intensity never stopped mounting as a memorable time was had by all.

Cont'd on p.10

LEAGLE BEAGLE AWARDS



Here is your detachable Legal Beagle Nominees ballot. Photocopy it. Give some to your friends. The nominees will want to know they were swept to contention on a wave of massive support.

- 1- Best Overall Professor
- 2- Most Outstanding Lecturer
- 3- Most Respected Professor
- 4- Professor with Most Grating Accent
- 5- Best Dressed Professor; Male and Female
- 6- Worst Dressed Professor; Male and Female
- 7- Most Eccentric Professor
- 8- Professor Most Detached from Reality
- 9- Most Predictable Professor
- 10- Professor Least Likely to Own a Watch
- 11- Most Caustic Professor
- 12- Most Eligible Professor; Male and Female

13- Most Demanding Professor

14- Least Demanding Professor

15- Professor Most Likely to Give an A

16- Professor Least Likely to Give an A

17- Professor Most Likely to Make it to the Supreme Court

18- Best Course in LLB/BCL Stream

19- Worst First Year Compulsory Course

20- Most Desirable Professor to Judge a Moot

21- Professor You Would Least Mind Being Stuck on an Island With.

22- Most Inspiring Professor (i.e. who most inspired you to investigate other career options.)

REMINDER: NOMINATIONS TO BE SUBMITTED BY FEB. 19. THE LIST OF NOMINEES WILL APPEAR IN THE MARCH 4 ISSUE.

Letters to the Editor Cont'd from p.8

Dear Sir,

The proposed Legal Beagle Awards contest will certainly provide some much needed humour around the Law Faculty.

Law Games Cont'd from p.9

A special thanks must go to Billy Rosenberg, Ian Schachter and Shahir "Walk like an Egyptian" Sheik Guindi and all the fund raisers whose combined effort helped organize the McGill squad's most pleasurable stay in Sherbrooke.

For those McGill students who journeyed to Sherbrooke, now it is back to the reality of the walls of Chancellor Day Hall. The Canada Law Games was a tremendous escape and an unmatched experience. For all those who had toooooo much work to do last weekend and passed on the opportunity, Law Games '88 are only one year away.

I am concerned, however, that we might inadvertently hurt the feelings of certain professors who may lack the terrific sense of humour and armadillo-like skins that we students all have. As an alternative, I suggest a contest whereby we cast votes on which students best fit certain descriptions.

I have already thought of some really funny categories: Least Popular Student; Most Egotistical B.C.L. Male; Student Most Likely to Make Stupid Comments in Class; Fourth Year Student Least Likely Ever to be Hired as a Lawyer.

Imagine the sheepish expressions of the winners when they have to face the rest of us after the results come out. What a laugh!

This contest is sure to show the professors what a fun lot we all are.

Yours sincerely,
Frank E. Denton
LL.B. I